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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.28 OF 1991

(R.A. No.1202/Bom/1989)

The Commissioner of Income-tax...Applicant

Vs.

Bombay Suburban Electric Supply Ltd.Respondents

Mr. A.S. Rao for the Applicant
Mr.P.J. Pardiwala with Mr. Nishant Thakkar & Mr. Rajesh Poojari i/b. Mulla & Mulla for the Respondent.

WITH

INCOME TAX REFERENCE NO.28 OF 1991

(R.A. No.1137/Bom/1989)

Bombay Suburban Electric Supply Ltd.Respondents

Vs.

The Commissioner of Income-tax...Applicant

Mr.P.J. Pardiwala with Mr. Nishant Thakkar & Mr. Rajesh Poojari i/b. Mulla & Mulla for the Applicant.

Mr. A.S. Rao for the Respondent

CORAM: F.I. REBELLO &
J.P.DEVADHAR,JJ.
DATED: 29TH AUGUST, 2007

P.C.:

. These are two references, one at the instance of the Revenue and the other at the instance of the assessee. In so far as the reference at the instance of Revenue is concerned, the amount is less than Rs.4.00 lakhs. In the light

of the CBDT Scheme, reference is returned unanswered.

2. In so far as reference at the instance of the assessee is concerned, in so far as the question No.1 is concerned, the parties agree that the same is covered by the judgment of the Supreme Court in 1994 ITR 294. In the light of that the said issue is answered in favour of the revenue and against the assessee.

3. In so far as question No.2 is concerned learned Counsel for the assessee on instructions states that the said issue may be returned unanswered and in view of the smallness of the amount involved.

4. In the light of what we have stated above references are answered accordingly.

(J.P. DEVADHAR, J.) **(F.I. REBELLO, J.)**